

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1:21 MJ 9237

I, Vincent Veloz, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Capitol Police (“USCP”), where I have served since September 2005. I am currently assigned to the USCP Investigations Division, Threat Assessment Section (“USCP/TAS”). Prior to working in the Investigations Division, I was assigned to the Capitol Division, First Responder Unit (“FRU”) until March 2017. I am a graduate of the Mixed Basic Police Training and the Criminal Investigator Training Program at the Federal Law Enforcement Training Center (“FLETC”) in Glynco, Georgia. I have completed hundreds of hours of training in numerous areas of law enforcement investigation and techniques. In the course of my employment as a Special Agent with the USCP, I have received training regarding the application for and execution of both search and arrest warrants. I have received training in assessing and managing individuals who have communicated threats and engaged in behaviors associated with targeted violence. In my current assignment, I have participated in and conducted investigations involving several different violations of federal law, including threatening communications both locally and interstate.

2. This affidavit is made in support of a criminal complaint charging David Louis STAUDIOHAR (hereinafter “STAUDIOHAR”) with violation of Title 18, United States Code, Section 875(c). Title 18, United States Code, Section 875(c) makes it a crime to

transmit in interstate or foreign commerce any communication containing any threat to injure the person of another.

3. The facts and information contained in this affidavit are based upon my direct participation in this investigation and based upon facts as relayed to me by other law enforcement officers pertaining to this investigation. This affidavit is submitted for the limited purpose of establishing probable cause for the charged offense. As a result, I have not included each and every fact known to me regarding this matter.

PROBABLE CAUSE

4. On November 13, 2020, at approximately 1525 hours (PST) a male subject identifying himself as “Diamond Dave”, subsequently identified as STAUDOHAR, using phone number 216-710-2255, called the St. Helena (California) Police Department (SHPD) and, while speaking with their dispatcher in a recorded conversation, made threats to kill U. S. Congresswoman [REDACTED] (hereinafter, the “VICTIM”). This incident was subsequently reported to USCP/TAS on the same date by Sergeant Steve Paterson (SHPD). Specifically, throughout this call, STAUDOHAR made the following statements:

“I want to collect my money from “VICTIM”, “I want to let you know that I’m gonna be landing in Stockton, California airport, and then I got a limo up to see you in Mount St. Helen. And then I’m going to wait for her and blow her fucking brains out”, “I’m coming up there for a goddamn vengeance”, “VICTIM is a death bitch”, “She’s a Mafioso whore and she’s dead”.

5. USCP/TAS Agents obtained subscriber information and toll records associated with phone number 216-710-2255, which were provided by T-Mobile following an emergency disclosure request (T-Mobile is the custodian of the records associated with this number).

6. A review of T-Mobile records revealed the subscriber name as David STAUDIOHAR, listed the transaction connected to the threatening call made to SHPD, as well as the address of the Cell Site Tower at the time of the call (3275 W 63rd Street, Cleveland, OH).

7. On November 13, at approximately 1946 hours (CST), STAUDIOHAR, using the same phone number 216-710-2255, called Louisville Metro Police Department (KY) non-emergency number (502-574-2111) and, while speaking with their dispatcher in a recorded conversation, he made threats to kill "VICTIM". This incident was subsequently reported to USCP/TAS on the same date by USSS. Specifically, throughout this call, STAUDIOHAR made the following statements:

"I just ordered a hit on "VICTIM" in Washington DC. There's five people coming down from New York that they're going to put a bullet in the back of her head", "well, I'm gonna kill that Mafioso bitch, she's committing treason against the United States of America. We're going to cap her ass, the mafia is going to take care of everything; don't you worry about anything, okay".

8. On November 13, at approximately 2215 hours (CST), USCP/TAS was informed that STAUDIOHAR, using the same phone number 216-710-2255 (information displayed in the caller ID), called the Dallas Police Department (TX) and, while speaking with their dispatcher, he made threats to kill "VICTIM". This incident was reported by Detective Raley, Houston Police Department. Specifically, throughout this call, STAUDIOHAR made the following statements:

"I'm a self-made man and I have ordered a hit on "VICTIM". I ordered 2 bullets to be put in her head".

9. On June 24, 2021, at approximately 1833 hours (PDT) a male subject, later identified as STAUDIOHAR, using phone number 216-760-5894, called the St. Helena (California) Police Department (SHPD) and, while speaking with their dispatcher in a

recorded conversation, made threats to kill "VICTIM". This incident was subsequently reported to USCP/TAS on the same date by Sergeant Filippo Bianco (SHPD). Specifically, throughout this call, STAUDIOHAR made the following statements:

"You tell that dirty fucking cunt I'm gonna work her over with brass knuckles. By the time I'm done with her, her face is gonna look like a fucking 10lb bag of hamburger", "I'm gonna fucking beat that fucking cunt to death", "I'm a veteran and a patriot. And the Democratic fucking party is fucking overthrowing America. And by the time I'm done- Listen to me. I am gonna beat "VICTIM" to death, with brass knuckles, you heard of what the fuck I'm telling you?"

10. I have listened to both of the voicemail messages reported on November 13, 2020, and in addition to both calls having been made from the same number (216-710-2255), the voice of the caller in each of these two messages sounds to be the same person as the one reported being received on June 24, 2021, from phone number 216-760-5894. Additionally, the caller identifies himself as "Diamond Dave" in calls from both numbers.

11. An online database search regarding number 216-760-5894 showed a pre-paid account with MetroPCS (service carrier), and T-Mobile as the custodian of records.

12. USCP/TAS obtained phone records, which were provided by T-Mobile following an emergency disclosure request made pursuant to 18 U.S.C. 2702(c)(4) for subscriber information associated with target number 216-760-5894, revealed the sole account subscriber as David STAUDIOHAR, with an address in Cleveland, OH.

13. A review of the phone records provided by T-Mobile confirmed the threatening call made by STAUDIOHAR on June 24, 2021, which was reported by St. Helena (California) Police Department (SHPD). Those records also confirm that the location of the device (STAUDIOHAR' cell phone) at the time when the call was made, was located at 3275 W 63rd Street, Cleveland, OH. This is the same location of the cell tower involved in the first incident

that correspond to the threatening messages that were reported to the USCP/TAS and were described previously in paragraphs 4 and 6 of this affidavit.

14. Law enforcement database checks on STAUDIOHAR revealed an Ohio driver's license number SK719723 for David L. STAUDIOHAR, which is currently expired.

15. On November 17, 2020, FBI agents conducted a telephonic interview with STAUDIOHAR regarding the phone calls made to law enforcement agencies where he makes threats towards 'VICTIM'. STAUDIOHAR understood that it is wrong to make threats and to threaten someone's life.

16. I am also aware that on November 24, 2020, STAUDIOHAR was interviewed at his residence located at 3358 W. 48th Street in Cleveland, OH, by the same FBI Special Agent from the previous telephonic interview. STAUDIOHAR reiterated that he had given his word to stop making threats via telephone against "VICTIM" or anyone else, and understood that being prosecuted for such a crime as 18 USC 875(c), would result in prison time if convicted. STAUDIOHAR confirmed that he understood the potential consequences of his actions.

CONCLUSION

17. Based on the foregoing, there is probable cause to believe that David Louis STAUDIOHAR, did transmit, in interstate and foreign commerce, using a cellular telephone, a communication containing a threat to injure a United States Congresswoman, in violation of Title 18, United States Code, Section 875(c).

Vincent Veloz

VINCENT VELOZ
Special Agent
United States Capitol Police

Sworn to and subscribed before
me this 28th day of June, 2021.

William H. Baughman, Jr.

WILLIAM H. BAUGHMAN, JR.
United States Magistrate Judge

